UNITED NATIONS

CCPR

International covenant on civil and political rights

Distr.
GENERAL

CCPR/C/SR.1247
29 July 1993

Original: ENGLISH

HUMAN RIGHTS COMMITTEE

Forty-eighth session

SUMMARY RECORD OF THE 1247th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 20 July 1993, at 3 p.m.

Chairman: Mr. ANDO

CONTENTS

Consideration of reports submitted by States parties under article 40 of the Covenant (continued)

Second periodic report of Egypt (continued)

Draft general comment on article 18 of the Covenant (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.93-17561 (E)

The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (agenda item 4) (continued)

Second periodic report of Egypt (CCPR/C/51/Add.7; HRI/CORE/1/Add.19) (continued)

1. Mr. WENNERGREN drew attention to a statement made at a symposium held in May 1992, by the President of the Egyptian Organization for Human Rights, who had said that what was happening to the Baha'is was a striking instance of the violation of the freedom of belief and a clear example of Egypt's peculiar perception of that freedom in its thinking as well as its legislation and the reasoning of its courts. He fully endorsed the comments of Mrs. Higgins and Mr. Aguilar Urbina in that connection.

2. Mr. Khalil had stated that Egypt's legislation, including its Constitution, had now been brought fully into line with the provisions of the Covenant. Noting that article 46 of the Constitution provided that "the State shall guarantee the freedom of belief and the freedom of practising religious rites", he asked how Mr. Khalil could justify his assertion in view of the fact that article 18 of the Covenant also set forth the right to freedom of thought and conscience, and thus the right to be a non-believer - an entitlement that did not appear to exist under the Egyptian Constitution.

3. Mr. NDIAYE asked whether, given that Islam was the religion of the State, non-Muslims were entitled to accede to the presidency. He requested further clarification of the expression "disparaging or belittling any divinely-revealed religion", contained in paragraph 62 (a) of the report. It was still not clear whether a Muslim woman was permitted to marry a non-Muslim man. Lastly, did the Egyptian delegation's remarks concerning article 27 of the Covenant amount to a tardy reservation, or did they simply indicate a failure to understand the true content of that article?

4. Mr. KHALIL (Egypt), referring first to the criteria for the issuance and withholding of passports, said that every citizen had the right to leave the country and to return to it and should not be prevented from so doing, save as provided for by law. If such a measure was applied arbitrarily or in abuse of power, or was not based on the facts, the victim had the right to request the administrative courts to annul the decision. The same applied to decisions to deport foreigners; taken by the State in application of discretionary powers. In a recent ruling on an appeal by citizens whose nationality had been withdrawn, the Supreme Constitutional Court had established the important constitutional principle that, under article 68 of the Constitution, the State was obliged to enable every individual, whether a national or a foreigner, to have ready access to the courts. A foreigner subjected to a deportation order thus had the right to resort to the courts, and to receive compensation where appropriate.

5. Responding to questions about the media, he said that the press was independent and free to gather information, to obtain it from others and to circulate news and information, subject to the requirements of public order. The right of the Council of Ministers to prohibit publication related to

foreign publications of a salacious nature, which were also governed by an international convention. It was in any case possible to appeal against such a decision.

6. The formation of trade unions was subject to the same controls as were provided for in the Covenant with a view to safeguarding public order and national security. Decisions of the competent authorities that were not in line with those controls could be annulled - a further instance of the guarantee of the right of litigation.

7. The setting up of political parties on a religious, class or discriminatory basis was prohibited. That prohibition did not encroach on the right to hold political opinions, but was an extension of the principle banning any form of discrimination. The provisions organizing the setting up of political parties were administrative procedures, and were subject to appeal. Recently, a number of decisions to refuse authorization for the establishment of political parties, taken pursuant to the legislation in force, had been overturned by appeal courts that had based their rulings on the provisions of the Covenant.

8. Questions of nationality were decided on the basis of the two legal criteria of kinship and country of birth. In line with international law, Egypt had stipulated that nationality could not be imposed or withdrawn as a result of marriage. The nationality of children was determined on the basis of kinship, or of place of birth if the father's nationality was unknown, if he had no nationality, or if the child's parentage was not established (the intention being to limit cases of non-nationality or dual nationality). However, the People's Assembly was currently considering the domestic and bilateral implications of implementing a draft law that proposed conferring the nationality of the mother on the children.

9. Turning to questions concerning inequality of men and women where the right of custody of children, the right of divorce, and inherited traditions were concerned, he said that, under the provisions of the Constitution, matters pertaining to personal status and family status were regulated in accordance with the religious tradition to which the individuals in question belonged. Treatment thus varied from family to family. Women had the right of custody of male children until a certain age, and of female children until marriage.

10. On the question of holding public office, article 14 of the Constitution stated that citizens were entitled to public office; that the State guaranteed the protection of public officers in the performance of their duties; and that they could not be dismissed by other than disciplinary means except in cases specified by the law. The right to public office was thus provided for all Egyptian citizens without discrimination, as stipulated in article 40 of the Constitution.

11. Regarding capital punishment, the role of the Mufti was advisory, and compliance with his opinion was not mandatory. It constituted a further means

of ensuring that no obstacle to imposition of the death penalty had been overlooked, as well as an additional guarantee of the right to life, available to Muslims and non-Muslims alike.

12. Women enjoyed equal rights with regard to election and nomination to public office, and occupied prominent posts in the various assemblies. They were eligible to hold any office not contrary to the nature of women. Labour legislation was designed to secure their protection during pregnancy and breast-feeding, and in no way violated their rights to equal treatment at work and equal remuneration.

13. Freedom of religion and freedom of belief were guaranteed by the Constitution. It was not a criminal offence to change one's religion, provided that there was no conflict with the provisions of the Penal Code designed to protect divinely-revealed religions and their practices. Freedom existed to the extent that it did not encroach on other religions and faiths. In cases of personal status and family status, the traditions of the religion in question would apply.

14. Within the meaning of the relevant international provisions and criteria, there were no minorities in Egypt. All elements of the population coexisted in tolerance, harmony and understanding; no one was a stranger in his own land. All legislation was applied equally to all citizens without discrimination, except in cases involving personal status and family status, where out of respect for other religions, the legislature took account of the values of the different religions involved.

15. Mrs. HIGGINS, supported by Mr. MAVROMMATIS, pointed out that the Egyptian delegation shared a commonly held misapprehension regarding the question of minorities. It was not correct to say that, if all a country's citizens were treated well and without discrimination, it therefore had no minorities. The existence of minorities - such as adherents of a religion other than that professed by the majority, or speakers of a language other than that spoken by the majority - was an objective factor. To deny the existence of the minorities referred to in article 27, on the grounds that such persons enjoyed all the rights to which they were entitled, was to confuse two entirely separate issues.

16. The CHAIRMAN invited members of the Committee to make their individual concluding observations on the State party's report.

17. Mr. LALLAH said that, although it had been useful to have an article-by-article analysis of the Egyptian legislation in relation to the Covenant, it would be easier if in future reports could be prepared so as to comply with the Committee's recommended layout.

18. In general, little factual information had been provided on the administration of the law in Egypt as opposed to the legislation itself: for example, no indication had been given of the number of cases in which the death penalty had been imposed. The delegation's claim that failure to report the declaration of a state of emergency to the Secretary-General did not constitute a violation of the Covenant could not be accepted. The Committee required an indication of which human rights were affected by the state of

emergency and the extent to which they had been affected. To speak of "anti-terrorist" legislation was in his view to use a rather propagandist term. What in fact were the legal elements justifying the separate treatment of terrorist acts from other crimes? Although very full information had been given in paragraph 93 of the report on the admissible periods of detention and the authorities responsible for authorizing them, the actual periods spent by detainees in prison had not been covered and were a matter of considerable concern. It was also evident that the principle of the presumption of innocence was not respected. He fully associated himself with the views of Mrs. Higgins in regard to the existence of minorities and the consequent need for compliance with article 27 of the Covenant.

19. Mr. HERNDL said that there were three issues of general concern in regard to the second periodic report. It would certainly be helpful in the future to adopt the Committee's recommended layout, incorporating an in-depth analysis of compliance with the Covenant on an article-by-article basis. Secondly, the emergency situation - serious as it was - should not be allowed to exert an adverse effect on individual human rights and could not justify disregard for international obligations. In the third place, he fully endorsed what Mrs. Higgins had said in regard to minorities. Almost all countries had ethnic, religious, linguistic and other minorities, which could enrich the life of the host country and accordingly deserved specific treatment separate from the general population.

20. Mrs. EVATT said that, although the juxtaposition of the articles of the Covenant with the articles of the Egyptian Constitution and other legislation had been helpful, it would have been better to follow the Committee's recommended layout. Neither in the report nor in the dialogue with the Committee had reference been made to the core of the matter, namely the state of emergency, which had not, moreover, been reported to the Secretary-General as required by the Covenant. The Government's policy had apparently been to impose tighter and tighter controls, leading to a polarization of society - which had not in any case achieved its desired aim. There had been a notable absence of concrete information on the number of death sentences imposed, on the investigation of allegations of torture and on the status and participation of women in politics and in domestic life. What she hoped to see in the future would be a more open dialogue with non-governmental organizations (NGOs) and greater emphasis on the education and training of law-enforcement officers.

21. Miss CHANET said that effective dialogue between the Committee and the Egyptian delegation had been hampered by a fundamental misunderstanding on the part of the delegation, which apparently believed that the Egyptian Constitution was already in complete conformity with the Covenant, when in fact the content of the Covenant had been incorporated incompletely. Article 40 of the Constitution, for example, reproduced only a small part of article 14 of the Covenant, which was an exceptionally important provision, and there were also many outright omissions.

22. The explanations given in connection with article 6 of the Covenant, covering the right to life and in consequence the death penalty, suggested that the full scope of article 6 had been misunderstood. The statement that the current practice was for the courts to supplement the legislation in that

connection did not provide an acceptable solution. The claim that the death penalty was only imposed for very serious crimes was at variance with its apparent imposition for such offences as damage to property or the environment, under cover of the vague term "terrorism".

23. She noted that 44 agents of the security services had been charged before the courts with offences involving torture. How many had been convicted? Had they been disciplined? Had they retained their posts? Article 9 relating to social security had not been fully complied with. The multiplicity of courts, to which many members had referred, was not in itself contrary to the Covenant, but the detailed provisions of article 14 had not been observed. The aim in the future should be to educate and train law-enforcement officers in respect for the provisions of article 14, to take steps to guarantee the rule of impartiality and to guarantee the right of appeal.

24. There were many instances of discrimination against women, contrary to article 3 of the Covenant, for example in regard to divorce and the need for a married woman to obtain her husband's permission to travel abroad. Questions raised under article 18 of the Covenant concerning the problems experienced by the Baha'is had regrettably elicited no reply from the delegation. Articles 19 and 20 also appeared to have been contravened by laws which imposed severe penalties for apparently minor offences such as the spreading of rumours.

25. Mr. WENNERGREN said that regrettably the report gave little factual information on the human rights situation in Egypt, and his hopes that the Committee's dialogue with the delegation might prove more enlightening had been dashed. The lack of candour was indeed very disappointing. Miss Chanet had referred to the absence of any reply on the Baha'is. He could not himself recall a specific response to any of the Committee's questions; there had been no information on NGOs or on the reasons for the lack of cooperation with them, or on freedom of belief and religion and guarantees for detainees. The Committee had been given very full details on Egyptian legislation and on the structure of the judiciary, but the lack of information on the actual human rights situation in Egypt made it extremely difficult for the Committee to arrive at a fair assessment of the really important issues. It had been stated, for example, that 44 officers of the security services had been indicted on charges of inflicting torture in 1988, but nothing had been divulged on the outcome of their trials, nor had anything been said about the period after 1988, during which there must surely have been other cases of torture being inflicted on prisoners.

26. Mr. PRADO VALLEJO said that dialogue between the Committee and States parties was always useful, but in the present case many important questions had been left unanswered. It was to be hoped that some of the answers to members' questions would be supplied in the third periodic report. The dialogue had demonstrated the wide gap between the legislation and the actual human rights situation in Egypt, which was rooted in the lack of harmonization between the legislation and the Covenant.

27. The situation had been complicated by the state of emergency legislation, which allowed acts to be committed contrary to the guarantees required by the Covenant and at the same time exerted a pernicious influence on the

independence of the judiciary. In addition, the police had been granted powers which enabled them to block implementation of Supreme Court decisions. Full enjoyment of human rights was impossible while detention without trial was permitted, the infliction of torture went unpunished and the victims were denied compensation.

28. There was also a doubt as to whether the non-Muslim population enjoyed freedom of religion and belief. Only if children of non-Muslim parents were guaranteed full rights to education in their own faith could the provisions of the Covenant be said to have been complied with.

29. Mr. MAVROMMATIS said that for his part he had found the dialogue useful in that the Egyptian delegation had obviously listened attentively to the Committee's views on what was a most dangerous situation which - if allowed to go unchecked - would undoubtedly result in even more serious violations of human rights and fundamental freedoms. He requested the delegation, on its return to Egypt, to consult the summary records of the relevant meetings with a view to providing replies to questions that had not been answered at the time.

30. The Committee's principal concerns had centred on the worsening of social violence, and of counter-violence by the authorities, during the past 12 months. The Egyptian Government must be urged to confine its actions under emergency legislation to what was permissible under article 4 of the Covenant and, as soon as possible, to alleviate the severe measures currently being applied.

31. More specifically, he called for a review of the entire situation of the Baha'is not only under the circumstances of the emergency, but under the provisions of ordinary law.

32. Mr. FODOR, after expressing the hope that in the third periodic report of Egypt, which was still inexplicably delayed, greater attention would be paid to the Committee's guidelines, said that from its consideration of the second periodic report, supplemented by the oral replies to questions, the Committee must conclude that domestic legislation in Egypt was not fully in conformity with the provisions of the Covenant, and that certain laws or parts thereof - notably in legislation of more recent date - clearly ran counter to those provisions. Notwithstanding its promulgation by presidential decree, the Covenant was weakened by the fact that the extent of applicable limitations and restrictions was determined by other laws and not by the Constitution, and that the principle of lex posterior derogat priori prevailed.

33. One major difficulty was the persistence of emergency laws, which granted extensive powers to the executive and led to a steep increase in cases of administrative or arbitrary detention, disregard for the rights of detainees and increased use of torture by the police, and which undermined the independence of the judiciary. Of course, terrorist activities called for a firm response, but retaliation must be within the framework of the law and conditioned by respect for all the guarantees provided under the Covenant.

34. Not all of the Committee's concerns, however, stemmed from measures taken under the Emergency Act. He referred to the disturbingly wide range of capital crimes, and to discrimination of different kinds, for example against women and persons of certain Christian or other religious denominations. He fully agreed with the remarks by Mr. Lallah concerning the special State Security Courts and by Mrs. Higgins with regard to the issue of minorities.

35. Notwithstanding those remarks, he wished to thank the Egyptian delegation for its cooperative attitude during the dialogue.

36. Mrs. HIGGINS remarked that the exchange with what was obviously a highly professional delegation had been interesting and useful, and had taken place in a pleasant atmosphere. It was clear that Egypt's special problems had resulted in difficulties with regard to the application of articles 6, 7 and 9 of the Covenant in particular; but although the Committee could not deny the need to combat terrorism strenuously, its task was to ensure that the measures taken were in conformity with the provisions of the Covenant.

37. That being said, the realization had dawned on her, in the course of the dialogue, that there were problems in Egypt with regard to almost every area of the Covenant; she noted that questions with a bearing on other articles, articles 17 and 18, for example, had either met with no reply or had received somewhat disconcerting answers. It was distressing to her that a country which had contributed so much to world civilization and culture had come to such a pass. She hoped that the Egyptian delegation, upon its return, would, in the light of all the comments by the Committee, conduct a thorough review of all domestic legislation, and not just the emergency provisions, and examine ways and means of achieving progress in the defence and promotion of respect for human rights.

38. Mr. SADI, thanking the Egyptian delegation for its contribution to the dialogue, said it should be remembered that the Committee had been examining what was only Egypt's second periodic report, and that too much was sometimes expected of countries doing their best to comply with established reporting procedures. He was sure that the third periodic report would correspond much more closely to the Committee's requirements.

39. The fact that the Covenant indeed had some significant legal status in Egypt should be noted as positive, and indeed as a foundation stone on which to build in the endeavour to rectify perceived shortcomings. Moreover, the true test of the effectiveness of the dialogue would be the extent to which it had improved the Committee's familiarity with the situation in Egypt and - even more importantly - enhanced the delegation's awareness of, and determination to take action on, the Committee's anxieties and concerns. The latter focused on the conditions prevailing under the emergency regime, the conditions under which death sentences were handed down, and the actual definition, for the purposes of Egyptian law, of "terrorism". He had studied the Arabic text of the official definition and personally believed that it could be tightened up. Another matter concerning which the Committee would have welcomed additional information was the social, economic and political situation of the Copts.

40. On balance, he considered the exchange to have been a useful one, which had given him a clearer picture of the situation in Egypt. What mattered now was the follow-up to the Committee's comments on that situation.

41. Mr. DIMITRIJEVIC said that he shared all the concerns expressed by preceding speakers, whose remarks would have left the Egyptian delegation in no doubt as to the Committee's misgivings with regard to what was happening in that country, both in the domain of theoretical law and its practical application. He noted with regret, but with no feeling, that the initial omissions had been voluntary, that much time had been taken in providing the Committee orally with information which should more properly have been in the printed report. It was to be hoped that in future Egyptian reports would reflect greater familiarity not only with the Committee's guidelines on reporting, but also with its responsibilities under the Covenant and with its working practices. Reports that merely provided a digest of valid positive laws and neglected to describe their application were most unsatisfactory.

42. He considered that the essence of the Egyptian dilemma could be discerned in the first provisions of the Constitution. Article 1 stated that the Arab Republic of Egypt was a socialist democratic State, article 4 cited a number of typically socialist goals, while the preamble contained similar language. Article 2, on the other hand, proclaimed that Islam was the religion of the State and that the principal source of legislation was Islamic jurisprudence (the Shariah). A particularly notable paradox was that it was the Socialist Public Prosecutor who was responsible for ensuring respect for the revealed religions. That dilemma, or paradox, was at present compounded by the conjunction of an energetic struggle against terrorists who were Islamic fundamentalists with attempts to appease those terrorists by reverting to practices that had long been abandoned in Egypt. It was, of course, easy to give advice from a distance, but he would nevertheless urge that a clear stand should be taken on values that were enshrined in the Covenant and not derived from any particular geopolitical or cultural source. Terrorism, he pointed out, had never been conquered by reciprocal brutality. And although the anger of the police force as the principal target and victim of terrorist acts was understandable, that anger must be controlled in order to preserve the values to which he had alluded.

43. The Committee would have welcomed a more candid account of the difficulties experienced in applying the Covenant. Such an account would have carried with it no shame, especially when it was remembered that the implementation of human rights could not be assured by the will of Governments alone; society at large, outside the domain of governance, contained many potential violators of those rights who must be restrained, controlled or persuaded to mend their ways.

44. Reiterating his view that the omissions in the Egyptian delegation's replies reflected the sheer volume of the Committee's questions rather than deliberate prevarication, and submitting that the scope of the Committee's inquiry in turn reflected the keen interest with which it was following the evolution of the situation in Egypt, he expressed the hope that the consideration of the third periodic report would provide an opportunity for a more meaningful and effective exchange of views.

45. Mr. AGUILAR URBINA said that he, too, considered the dialogue to have been fruitful. The Committee's concerns had been clearly voiced; and the delegation had put forward its own views, describing the situation, clarifying the legal framework and indicating the potential that existed in Egypt for enjoyment of the rights set forth in the Covenant.

46. In his concluding observations, he would merely revert to two major concerns which he had already addressed in some detail. The first was with the provisions of article 86 of Act No. 97 of 1992, which he had been able to study in translation and which he believed to violate various articles of the Covenant, notably articles 15 and 6: the failure to criminalize acts of terrorism could permit the handing down of arbitrary death sentences and violation of the principle of nullum crimen sine lege. His second major concern was that, despite assurances to the contrary, it was clear that the functioning of the military courts, before which civilians could be brought to trial, reflected the imposition of an emergency regime.

47. Mr. BRUNI CELLI noted that a broad-ranging dialogue had taken place, in the course of which some of the points raised had been passed over, or not fully answered. That, however, was not a matter of major concern to him, because he believed that the difficulties of the Egyptian delegation in producing specific replies were due at least in part to the state of flux in a society in the throes of transformation in so many areas.

48. He was far more exercised by the rapidly growing phenomenon of terrorism and the corresponding increase in countermeasures. Experience worldwide had shown that arbitrary action against terrorism generally resulted in an escalation of associated violence to unmanageable levels. He wished to impress on the Egyptian authorities the conviction that only through the rule of law, duly adapted to the principles set forth in the Covenant, could that scourge be overcome.

49. The CHAIRMAN, noting that there were no further comments by individual members, thanked the Egyptian delegation for its efforts to respond to the many difficult questions which had been put. It had often been remarked in the Committee that no human rights paradise existed on the planet, and the state of affairs in Egypt did not contradict that view. Everything possible must be done there to pinpoint all the difficulties in applying human rights and to seek ways and means of resolving them. For its part, as it addressed the human rights situation in different countries, the Committee took the stand neither of prosecutor nor of defender; it placed its experience at those countries' disposal, and sought nothing more than to work together with them in promoting and encouraging respect for those rights. That had been the purpose of the dialogue with the Egyptian delegation; it was essential that the dialogue should be continued.

50. Mr. ZAHRAN (Egypt) assured the members of the Committee that the Egyptian delegation had endeavoured to answer all their questions and respond to all their observations in good faith, clearly and with all the means at its disposal; there had been no attempt whatsoever to conceal or gloss over difficulties. For its part, the delegation had found the dialogue to be objective, fruitful, useful and of very high standard. Due note had been

taken of the Committee's remarks, which would be studied in detail in order to draw lessons for the future in furthering the interests of what was essentially an evolving society with great aspirations.

51. Stressing that, as was clearly set out in article 2 of the Constitution, the principal source of legislation in Egypt was Islamic jurisprudence (the Shariah), he said that at the time of Egypt's ratification of the Covenant, in 1982, the reservation had been made that compliance with its provisions was subject to their conformity with Islamic law. It was on that understanding, moreover, that Egypt had subscribed to the Cairo Declaration on Human Rights in Islam, an event that should have been mentioned in paragraph 168 of the report before the Committee. He added that it had, perhaps, not been made sufficiently clear that difficulties concerning the Baha'is stemmed in great measure from the fact that they transgressed the Islamic Shariah.

52. He wished to make it clear that the Egyptian Emergency Act had been adopted in good faith and in full awareness of the provisions of article 4 (2), of the Covenant. If the Secretary-General of the United Nations had not been notified of the Emergency Act, that was undoubtedly because of oversight or negligence. At all events, he could assure the Committee that there was nothing secret about the workings of the Act, which had been duly promulgated and publicized both in Egypt and abroad.

53. With regard to Egypt's failure to respect the Committee's guidelines for drafting periodic reports, he welcomed the comments to the effect that the second periodic report was a significant improvement on the initial report submitted in 1984. None the less, due note had been taken of all the remarks made in that connection and every effort would be made to ensure that the next report made specific reference to the practical application of the provisions of the Covenant as requested. A more comprehensive study of the implications of certain provisions of the Covenant was clearly required.

54. He rejected allegations that the activities of NGOs were restricted in Egypt. In fact, there were many international and Egyptian NGOs active in the country. The reason the request of the Egyptian Organization for Human Rights had been refused was that there were already similar NGOs operating in Cairo and Alexandria. In any case, the decision had been appealed against before the courts. He had access to the relevant correspondence on the case between the Department of Public Prosecutions and the NGO concerned and would keep the Committee informed of any developments in that connection. However, he welcomed the fact that the question of the role of NGOs in Egypt had been raised by the Committee and assured members that the allegations of human rights violations made by those organizations would be followed up.

55. As for terrorist groups in the country, he said that organized terrorism constituted a violation of human rights. It was inappropriate to use the term "fundamentalist" in connection with the groups in question, for devout Muslims did not resort to terrorism. The Government had to tackle the problems caused by the extremists as best it could, and regrettably violence could sometimes only be responded to in kind. It should be borne in mind that the terrorist groups were not only violating the rights of individuals but threatening the right to life of a whole nation, which required adequate protection.

56. Regarding comments relating to the lack of statistics in the report, he said that the Committee would be provided with statistics on the application of the death penalty in due course. Responding to Miss Chanet's remarks, he pointed out that the 44 cases of torture involving police officers in 1988 had merely been given as an example. He could provide more detailed statistics on cases involving torture referred to the court between 1987 and 1992. For instance, in 1987 there had been six convictions, and one acquittal. In 1988 there had been two convictions, 47 acquittals and one case left pending. In 1989 there had been three convictions, five acquittals and two cases left pending. In 1990 there had been only one conviction, three acquittals and five cases left pending. In 1991 there had been one conviction; four cases had been left pending since 1992.

57. Replying to some of the additional questions raised, he stressed that the special courts set up under the Emergency Act came under the competence of the judiciary and thus there was no violation of judicial guarantees.

58. There was absolutely no discrimination against the Copts. All Egyptian citizens, whether Christians or Muslims, were equal before the law.

59. In conclusion, he said that the Egyptian delegation had enjoyed its constructive dialogue with the Committee. It had taken due note of the comments made and would look more closely at certain issues as requested.

60. The CHAIRMAN said that later in the session the Committee would adopt written comments on Egypt's report which would be forwarded to the Egyptian Mission in due course. Notwithstanding the Egyptian delegation's statement to that effect, he understood that no reservation had been entered by Egypt at the time of the ratification of the Covenant. Since the deadline for submission of the third periodic report had already expired, a suitable date would have to be set in consultation with the Secretariat and communicated to the Egyptian delegation subsequently.

61. Mr. Khalil and Mr. Zahran (Egypt) withdrew.

Draft general comment on article 18 of the Covenant (CCPR/C/48/CRP.2/Rev.1) (continued)

62. The CHAIRMAN drew attention to the revised version of the draft general comment on article 18 provisionally adopted by the Committee at first reading (CCPR/C/48/CRP.2/Rev.1). In view of the limited time available for consideration of the draft comment, he urged members to keep their suggested amendments to the minimum. He then invited Mr. Dimitrijevic to introduce the revised document.

63. Mr. DIMITRIJEVIC said that the draft general comment dealt with a number of complex and very sensitive issues to which the Committee had given due consideration in the course of its deliberations while drafting the text. Moreover, the Committee had taken several important decisions concerning its general approach to phenomena relating to freedom of conscience and religion. With regard to the freedoms listed under article 18, it had taken the view that due attention should be accorded to beliefs that were not religious in nature but equally protected or restricted by article 18 in particular and the

Covenant in general. The revised version, although somewhat clumsy in style, reflected the delicate consensus reached on those important questions, and he therefore cautioned against introducing any more amendments than was absolutely necessary. The Committee would, however, have to decide on whether to delete the parts of the draft general comment placed between square brackets; furthermore, a number of editorial changes would be required.

64. Referring to paragraph 1, he suggested that the text placed between square brackets should be retained, since the Committee wished to make it quite clear that the freedom to hold beliefs was also protected under article 18.

65. Under paragraph 3, he suggested the insertion of the words "or adopt" in the second sentence, before the words "a religion or belief of one's choice".

66. He also suggested the deletion of the last sentence of paragraph 4, which had been placed between square brackets. It was no longer necessary, since subsequent paragraphs had been revised to cover the idea of limitations permissible and inherent under article 18.

67. In the first sentence of paragraph 5, he suggested that the phrase "one's current belief" should read "one's current religion or belief" for the sake of consistency with other references to "religion or belief" elsewhere.

68. With regard to paragraph 11, he suggested the deletion in the third sentence of the words "and express", as being superfluous and inconsistent with the wording used in the Covenant, which referred only to manifesting beliefs. He drew particular attention to the third sentence of the paragraph in which the Committee firmly stated its view that the right of conscientious objection could be derived from article 18, which in some respects was at variance with its jurisprudence.

69. Mrs. EVATT expressed her approval of the revised version as amended by Mr. Dimitrijevic, thanking him for all the work he had done in that connection.

70. Mr. HERNDL endorsed the amendments proposed by Mr. Dimitrijevic. However, in the light of Mr. Dimitrijevic's comments in connection with paragraph 5, it was desirable that, for the sake of consistency, the phrase "religion or belief" should be used wherever possible in the draft comment. That would entail a number of editorial amendments, inter alia, to paragraphs 1, 2, 5 and 11. Furthermore, he questioned the choice of the word "recant", in paragraph 5 and suggested "abandon" or "give up" in its place.

71. Mr. PRADO VALLEJO endorsed the additional amendments proposed by Mr. Dimitrijevic, which should command a consensus among members. However, one drafting change would be necessary to paragraph 11 of the Spanish version, where "no habrá" should be replaced by "no debe haber" in order to align it with the English text.

72. Mr. NDIAYE commended Mr. Dimitrijevic on the revised version of the draft general comment. However, he had some difficulty with the reference in paragraph 4 to the building of places of worship, which did not seem to fit in with the remainder of the paragraph, although he would not insist on its deletion.

73. Mrs. HIGGINS, referring to paragraph 6, said that it made more sense to make the general point concerning religious and ethical instruction at the beginning of the paragraph and refer to specific problems involved subsequently, instead of at the end of the paragraph. She therefore suggested that the last sentence should be placed at the beginning of the paragraph, subject to the deletion of the word "However".

74. She regretted that she had been unable to participate in the discussion on paragraph 11. As currently worded the paragraph did not seem to provide clear guidelines for States parties on their obligation to grant the right of conscientious objection under article 18, but merely indicated that it was possible to derive such a right from that article and invited States parties which did so to inform the Committee accordingly. However, she would not stand in the way of a consensus on the matter.

75. She concluded by expressing thanks to Mr. Dimitrijevic for his work in redrafting the text.

76. Miss CHANET joined previous speakers in commending Mr. Dimitrijevic who had produced a more acceptable version of the text which met the concerns she for one had expressed in connection with the cross references to article 15 that had now been deleted. Referring to the last sentence of paragraph 11, she suggested that the words "and length" should be inserted before "alternative national service" in order to bring the text into line with the Committee's earlier decision in the Jarvinen case.

77. Mr. DIMITRIJEVIC, recapitulating the additional amendments suggested, said the text placed between square brackets in paragraph 1 should be retained. He endorsed Mr. Herndl's suggestion for the use of "religion or belief" wherever possible, which would entail a number of editorial amendments to paragraphs 1 and 2.

78. He noted that there was agreement regarding the proposed inclusion of the words "or adopt" in paragraph 3.

79. As to paragraph 4, notwithstanding Mr. Ndiaye's observations, he urged the Committee to retain the reference to the building of places of worship, since many NGOs had expressed concern regarding the difficulties encountered by believers in that connection. The last sentence of the paragraph between square brackets should be deleted.

80. In paragraph 5, "religion or belief" should be used where appropriate. Moreover, he believed that "recant" was a good term and it should be retained.

81. Mrs. Higgins' proposal in connection with paragraph 6 was acceptable. Paragraphs 7 to 10 should remain unchanged.

82. With regard to paragraph 11, Mr. Herndl's suggestion that "religious or [and] other beliefs" should be replaced by "a religion or belief" was not appropriate since the issue at question was that there should be no distinction between exemption from compulsory military service on account of beliefs that were not religious in nature. In the third sentence the words "and express" should be deleted as he had suggested. The amendments suggested by Mr. Prado Vallejo and Miss Chanet were also acceptable.

83. The CHAIRMAN, noting that there was a quorum, said he took it that the Committee wished to adopt the revised version of the draft general comment with the amendments recapitulated by Mr. Dimitrijevic.

84. It was so decided.

The meeting rose at 6.10 p.m.